

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

JESSICA JONES, et al.,

Plaintiffs,

v.

VARSITY BRANDS, LLC, et al.

Defendants.

Case No. 2:20-cv-02892-SHL-tmp

JURY DEMAND

PLAINTIFFS' MOTION FOR LEAVE TO FILE SURREPLY

Plaintiffs Jessica Jones and Christina Lorenzen (Plaintiffs) hereby file this motion for leave to file a surreply ("Motion") in support of their Motion to Compel Documents Withheld by Defendants Charlesbank and Bain (ECF 290). In support of this Motion, Plaintiffs state as follows:

1. On May 2, 2022, Plaintiffs filed a Motion to Compel the Production of Documents Withheld as Privileged. ECF 290.
2. On May 16, Defendants filed their opposition. ECF 297.
3. On May 17, Plaintiffs sought leave to file a reply. ECF 299.
4. On May 17, the Court granted Plaintiffs' request to file a reply. ECF 300.
5. On May 20, Plaintiffs filed their reply. ECF 310.

6. On May 24, Defendants filed a motion for leave to file a “surreply.” ECF 312.¹ The motion substantively addresses three topics they intend to further address in a forthcoming surresponse.
7. Defendants three topics warrant a reply. In particular:
 - a. Plaintiffs’ statement regarding Defendants’ position on *Burlington Northern* and *Hennigan* are not erroneous as Defendants characterize.
 - b. Defendants assert to the Court that the “Plaintiffs failed to tell the Court the all-critical fact that Plaintiffs have had all the documents produced in response to the Fusion Elite subpoena for nearly a year and they are not at issue in this motion.” But that is not the “all-critical fact” Defendants wish it to be.
 - c. Defendants argue that Plaintiffs’ logs are relevant here because they “establish the information that Plaintiffs’ [sic] believe is needed to adequately assess privilege claims.” That statement is misguided and warrants a response.
8. Plaintiffs respectfully request that if Defendants are allowed to file a one-page surresponse, Plaintiffs should be granted leave to file a one-page surreply.

¹ Although not substantively critical, Defendants’ motion is actually for a “surresponse,” and this Motion seeks a “surreply.” See Black’s Law Dictionary (11th Ed. 2019).

Dated: May 25, 2022

Respectfully submitted,

By: /s/ Joseph R. Saveri
Joseph R. Saveri

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CERTIFICATE OF CONSULTATION

I hereby certify, pursuant to Local Rule 7.2(a)(1)(B), that on May 24, 2022, my colleague, David Seidel, emailed counsel for Defendants (specifically Steven Kaiser) advising them that Plaintiffs intended to file a motion seeking the relief set out above. Defendants did not respond.

/s/ Joseph Saveri
Joseph Saveri

CERTIFICATE OF SERVICE

I hereby certify that on May 25, 2022, I served a copy of the foregoing document via the Court's ECF system, effecting service on all interested parties.

/s/ Joseph R. Saveri

Joseph R. Saveri